

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35952

STATE OF IDAHO,)	2010 Unpublished Opinion No. 401
)	
Plaintiff-Respondent,)	Filed: March 25, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
HARRY J. REED,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the First Judicial District, State of Idaho, Boundary County. Hon. Steven C. Verby, District Judge.

Order denying I.C.R. 35 motion for correction of an illegal sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge; GUTIERREZ, Judge;
and MELANSON, Judge

PER CURIAM

In 1992, Harry J. Reed pled guilty to lewd and lascivious conduct with a minor. The district court sentenced Reed to a unified term of life imprisonment, with a minimum period of confinement of twenty-five years. In 2007, Reed filed an I.C.R. 35 motion, which the district court denied. Reed appeals, asserting that his sentence is illegal because there are multiple definitions of the term “life sentence,” that his counsel was ineffective, and that the prosecutor committed misconduct.

In *State v. Clements*, 148, Idaho 82, 87, 218 P.3d 1143, 1148 (2009), the Idaho Supreme Court recently held that the term “illegal sentence” under Rule 35 is narrowly interpreted as a sentence that is illegal from the face of the record, i.e., does not involve significant questions of fact or require an evidentiary hearing. Rule 35 is a “narrow rule,” and because an illegal

sentence may be corrected at any time, the authority conferred by Rule 35 should be limited to uphold the finality of judgments. *State v. Farwell*, 144 Idaho 732, 735, 170 P.3d 397, 400 (2007). Rule 35 is not a vehicle designed to reexamine the facts underlying the case to determine whether a sentence is illegal; rather, the rule only applies to a narrow category of cases in which the sentence imposes a penalty that is simply not authorized by law or where new evidence tends to show that the original sentence was excessive. *Clements*, 148, Idaho at 87, 218 P.3d at 1148.

The only issue raised by Reed that could arguably come within this narrow definition of an illegal sentence is his claim that there are multiple definitions of the term “life sentence.” This Court has defined a life sentence, stating that where a life sentence is imposed, the duration of such a sentence is the full natural life of the inmate. *See State v. Wolfe*, 107 Idaho 676, 680, 691 P.2d 1291, 1295 (Ct. App. 1984). Reed’s sentence is within the statutory maximum for lewd conduct with a minor and is not otherwise contrary to applicable law. Therefore, we conclude no abuse of discretion has been shown. Accordingly, the district court’s order denying Reed’s Rule 35 motion is affirmed.